

MINUTES

**CITY OF WARR ACRES
REGULAR CITY COUNCIL MEETING
TUESDAY
OCTOBER 19, 2004
7:00 P.M.**

1. The meeting was called to order at 7:00 p.m. Declaration of a quorum present was given. The Flag Salute was lead by Chief Carter and Invocation was given by Michael Anderson, Police Chaplin.

ROLL CALL

PRESENT

Mayor Marietta Tardibono
Vice-Mayor Tom Smith
Councilman Jimmy Alexander
Councilwoman Leslie Owens
Councilman Mike Gossman
Councilman Bob Wehba
Councilman Justin Frisbie
Councilman Barry Curl
Councilwoman Nancy Olson

ABSENT

DEPARTMENT HEADS AND CONSULTANTS PRESENT

Pamela McDowell-Ramirez, City Clerk
Roger Patty, Police Chief
Rob Carter, Acting Fire Chief
Mike Turman, City Inspector
Bob Jernigan, City Attorney

2. Questions and Comments from Warr Acres Residents.

Tommy Pike addressed the council concerning the up coming election on State Questions 705 and 712. He said that many times in the past the public has been told that money would go to education and it never has and that the public should not believe that this time will be different. He said that this is just another scam and that the rainy day fund can be used for anything. He stated that all should vote against these questions.

The Mayor read a letter from Mrs. Bommer stating how much she appreciated all city employees.

The Mayor gave the results of the recent survey concerning garbage service, 696 surveys were returned. On the question concerning the return of Wednesday pickup 104, yes, **499 no**; 86, blank. Once a year Big Trash pickup **307, yes**; 188, no; 195, blank. Twice a year Big Trash pickup **399, yes**; 198, no; 92, blank. Third truck **309, yes**; 282, no; 98, blank. Big Blue carts 163, yes; **486, no**; 40 blank. And on the last question for the Hazardous Waste **528, yes**; 138, no; 23 blank.

3. Presentation of 15 year service pin to Lt. Matt Berger.

The Mayor presented Lt. Matt Berger a 15 year service pin and thanked him for his years of dedicated service.

Items 10, 11, 12, 13 and 15 were all heard before the Economic Development Authority Meeting.

4. Recess to enter into the Warr Acres Economic Development Authority Meeting.

The Council Meeting was recessed at 7:58 p.m.

Convene as Warr Acres Economic Development Authority.

1. Approval of Minutes of the Meeting of Economic Development Authority Regular Meeting of September 21, 2004. ****

Motion by Frisbie, second by Gossman to approve the minutes. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

2. Discussion and possible action on paying a claim for Richard Farris in the amount of \$4,969.32. ****

Councilman Curl said that they had not seen the claim and did not feel that payment could be approved until everyone had a chance to look at it.

Motion by Wehba, second by Frisbie to continue this item to the November 16th meeting. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, nay.

Motion Passed.

3. Discussion and possible action and possibly entering into Executive Session as allowed under 25 O.S. Supp 307 (10), All nonprofit foundations, boards, bureaus, commissions, agencies, trusteeships, authorities, councils, committees, public trusts, task forces, or study group supported in whole or part by public funds, or entrusted with the expenditure of public funds for purposes of conferring on matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to locate within their jurisdiction if public disclosure of the matter discussed would interfere with the development of products or services or if public disclosure would violate the confidentiality of the business.

Bob Jernigan stated that he did not believe there was any reason to enter into executive session. Councilwoman Owens stated that she had some things to talk about and would like for Scott Barrett and Wiley Rice to stay.

Motion by Wehba, second by Alexander to enter into executive session. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

The Trust entered into executive session at 8:04 p.m.

Trustee Smith left the meeting at 8:37 p.m.

The Trust returned to open session at 8:45 p.m. **WITH NO ACTION TAKEN.**

4. Adjournment of the Warr Acres Economic Development Authority Meeting.

Motion by Curl, second by Frisbie to adjourn the Economic Development Authority Meeting. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

The Economic Development Authority Meeting was adjourned at 8:46 p.m.

4. Reconvene City Council Meeting.

The Council reconvened at 8:46 p.m.

5. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #6.

- A. Approval of Expenditures – General Fund \$ 42,764.32
- B. Approval of Minutes of the Special Planning Commission meeting of September 30, 2004. ****
- C. Approval to waive the city's right to appeal BOA's Case #04-03 on property located at 6120 Covington Lane, presently zoned Residential. Legally described as Lot 6, Block 5 of Brookhaven Estates. Richard Carden, owner. (Variance approved to use 5 feet of the 6 foot buffer between a swimming pool and the utility easements). ****

Councilman Curl asked for item C to be removed.

The issue was raised concerning item B that it should read "receive the minutes".

Motion by Frisbie, second by Owens to approve items A & B with the change in item B reading receive the minutes. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

6. Discussion and possible action on items removed from the consent docket.

Councilman Curl wanted it made part of the minutes that at the last Board of Adjustment there was an issue concerning the sewer main and it was made part of the BOA Order that all responsibility for any damage to the main would be that of the property owner and that it was to be filed with the County Court House. Bob Jernigan stated that a copy of the Order will be filed with the County.

Motion by Curl, second by Gossman to approve item C. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

7. Receive reports from Staff: Police, Fire, City Clerk, City Inspector, Street, Sanitation, Sewer, City Engineer, City Planner.

Chief Patty-told the council that Officer Warr had resigned and that he was transferring Darryl Goodman to the Police Department and they were taking applications from within for the Animal Control position. He told the council that they had been approved for a \$5,000 grant for the K-9 unit and will have all the

money by next month approximately \$12,000. He stated that he had the K-9 officer from Bethany and Sgt. Boggess from Newcastle and our city's Sgt. Boggess to check out a dog. They reported that the dog was a good one. He said they are still looking for a vehicle for the K-9 unit. He also reported that the city was having a problem with obtaining the money for the wrecked unit from the insurance company.

Inspector Turman-told the council that the demising wall had been completed at the old Wal Mart and that work was started on Incredible Pizza. Also Eckerds had been bought out and new signs would be going up.

Sanitation Supervisor Hayes-stated they had been real busy with Big Junk pickup and that he wanted to thank Street Supervisor Dickson for the assistance with drivers.

Sewer Supervisor Seale-reported that the odor control block that he had placed in the sewer was approximately 50% gone so it appeared that the blocks would last about a month and they cost \$70 each.

8. Reports from Committees.
Councilman Wehba said that there was information from the Salary committee that he needed to pass along, however, he and Bob Jernigan were working out how the information could be discussed and whether it could be in executive session or if it had to be in open session.
9. Discussion and possible action to award the bid for the purchase of a new Front-end loader Sanitation truck. (bids opened on Monday, October 18, 2004 in open session)

Earl Hayes stated that the bids were opened and all documents were provided on all bids. He told the council that the lowest bid was from Waste Research but that he did not have any references on the Chassis, which is a Sterling, or the loader, which is a Mammoth. Councilman Curl stated that the council needed to take a look at the bids and questioned whether the bid process was followed. Clerk Ramirez told the council that the bid process was followed completely.

Motion by Gossman, second by Wehba to continue this item to the November 16th meeting. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

10. Discussion and possible action on appointments to the Planning Commission for Ward I, Ward III and one At-Large position. Terms to expire for Ward I and Ward III, October 2007 and At-Large, October 2005.

Councilman Frisbie nominated Bob Carter, second by Wehba for Ward I. Poll vote: Alexander, yea; Owens, yea; Gossman, nay; Wehba, yea; Frisbie, yea; Curl, yea; Smith, nay; Olson, yea; and Tardibono, nay.

Motion Passed.

Councilman Alexander nominated Darrell McDaniels, second by Owens for Ward III.

Motion by Curl, second by Owens to cease nominations for Ward III. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

The vote on the nomination for Darrell McDaniels was: Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

Mayor Tardibono nominated Sid Helms, second by Frisbie for At-Large.

Motion by Curl, second by Gossman to cease nominations for At-Large. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

The vote on the nomination for Sid Helms was: Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

11. Discussion and possible action on appointments to the BOA for the Ward II and At-Large positions. Term to expire for Ward II, October 2006 and At-Large, October 2005.

Motion by Owens, second by Curl to delay the item for discussion. Poll vote: Alexander, nay; Owens, nay; Gossman, nay; Wehba, nay; Frisbie, nay; Curl, nay; Smith, nay; Olson, nay; and Tardibono, nay.

Motion Failed Unanimously.

Councilwoman Olson nominated Doug Mitchell, second by Wehba for the Ward II.

Motion by Curl, second by Smith to cease nominations. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

The vote on the nomination for Doug Mitchell was: Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

Mayor Tardibono nominated Dan Clarke, second by Frisbie for the At-Large.

Motion by Smith, second by Gossman to cease nominations. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

The vote on the nomination for Dan Clarke was: Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

12. Discussion and possible action on appointment to the Traffic Commission for the At-Large position. Term to expire March 2006.

Councilman Wehba stated that Mr. Darrell McDaniels would like to remain on the Traffic Commission as well as the Planning Commission.

Moot.

13. Discussion and possible action on sending to the Planning Commission to review the removal of 19.52.020 from Title 19 and returned to the Council with their recommendation for the November 16th Council meeting. *Gossman* **** Councilman Wehba wanted to know what this item was all about since they had never talked about it before. Councilman Gossman stated that was the reason it was on the agenda so they could discuss why the same issue is in Title 19 and Title 16. Councilman Curl stated that in Title 16 there is a dollar figure that would trigger further action and that he felt the amount should be lowered if it is

agreed upon to remove 19.52.020. Councilman Gossman stated that he would like for the Planning Commission to take a look at the issue.

Motion by Gossman, second by Smith to send 19.52.020 to the Planning Commission for possible removal for the Planning Commission to review and send their recommendation back to the Council for the November 16th meeting. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

14. Discussion and possible action on a Memorandum of Understanding between the City and the FOP and the K9 unit handler. This document amends the 2004-2005 FOP contract. *Patty* ****

Chief Patty said that he had received approval of the Memorandum from Tony Puckett and that in future contracts it will be a permanent part of the contract.

Motion by Owens, second by Wehba to approve the Memorandum of Understanding. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

15. A. Discussion and possible action on Ordinance #997 amending 19.20.020(F)(2) by changing the allowed square footage and the percentage of coverage and the way it is calculated. *Gossman* ****

Councilman Gossman said that he had met with Councilman Curl, Wiley Rice and Mike Turman and these changes are what they think will work best. He said that it would be the available rear yard or 2400 sq ft whichever is smaller. Councilwoman Owens stated that they did not want accessory buildings larger than the house. Mr. Bob Carter, Planning Commission Chairman, stated that several months ago this item came up and the council did not accept or deny the Planning Commission's recommendation and they needed to do that. He stated that the Title 19 committee had surveyed 9 metro cities and tried to come up with something that would be fair in all wards. He said that a 1000 sq ft building is a 5 car garage and that is plenty large enough. Councilman Wehba asked if the same setbacks and easements would be followed and he was told that they would, nothing concerning setbacks or easements would change. Councilman Curl asked if they had to deny the Planning Commission's recommendation. Bob Jernigan stated that with the approval of the Ordinance they would be denying the Planning Commission's recommendation.

Motion by Gossman, second by Curl to approve Ordinance 997 as written and deny the Planning Commission's recommendation. Poll vote: Alexander, yea;

Owens, nay; Gossman, yea; Wehba, nay; Frisbie, nay; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed.

B. Approval of the emergency clause on Ordinance #997.

Motion by Gossman, second by Smith to approve the emergency clause. Poll vote: Alexander, yea; Owens, nay; Gossman, yea; Wehba, nay; Frisbie, nay; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed.

16. Questions and comments from Council members.

Councilwoman Olson-commented on the sod on MacArthur and that it was not taken care of properly. She stated the contractor needed to come back out and make it look better.

Councilman Curl-asked if it would be possible for the November 2nd meeting, because of the election, to be moved to November 4th. Everyone liked the idea so the meeting will be moved to November 4th at 7:00 p.m.

Mayor Tardibono-encouraged everyone to get out and vote.

Councilman Gossman-stated the convenience store at 50th and Meridian had reopened.

Councilwoman Owens-thanked Dale Williams for his years on the Planning Commission. She also stated that she had requested an item be placed on the Traffic Commission agenda concerning 51st and MacArthur. She told everyone that they should drive by 54th and Hammond and see the fence that has become a major dispute between neighbors.

17. Any Old or New Business (“New Business” is defined by the Open Meeting Act as any matter not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda of a (“surprise nature”)).

Moot.

18. Adjournment.

Motion by Gossman, second by Alexander to adjourn. The meeting was adjourned at 9:23 p.m. by acclamation.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk